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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:

NEW ENGLAND MOTOR FREIGHT, INC.,
et al.¹,

Chapter 11
Case No. 19-12809 (JKS)

Debtor.

(Jointly Administered)

NEW ENGLAND MOTOR FREIGHT, INC.,
et al.,

Plaintiffs,

Adversary Proceeding

v.

Adv. Pro. No. 19-01119 (JKS)

PARTIES LISTED ON EXHIBIT A TO THE
COMPLAINT and JOHN DOES 1-100,

Defendants.

ANSWER AND AFFIRMATIVE DEFENSES
TO ADVERSARY COMPLAINT

Defendant, Daniel Rinaldi (hereinafter "Defendant") by his attorneys, Maynard, O'Connor, Smith and Catalinotto, LLP, as and for their Answer to the Adversary Complaint (the "Complaint") filed by the Plaintiffs, allege upon information and belief as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 1 of the complaint.

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

2. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 2 of the complaint.

3. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 3 of the complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 4 of the complaint.

5. Admits that this Court has jurisdiction over this adversary proceeding, but denies knowledge or information sufficient to form a belief as to the remainder of paragraph 5 of the complaint.

6. Admits paragraph 6 of the complaint.

7. Admits paragraph 7 of the complaint.

8. Admits paragraph 8 of the complaint.

9. Admits paragraph 9 of the complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 11 of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 12 of the Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 13 of the Complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 14 of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 15 of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 16 of the Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 17 of the Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 18 of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 19 of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 20 of the Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 21 of the Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 22 of the Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 23 of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 24 of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 25 of the Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 26 of the Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 27 of the Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 28 of the Complaint.

29. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 29 of the Complaint.

30. Admits that Mr. Rinaldi is a defendant listed in Exhibit A to the complaint, but denies knowledge or information sufficient to form a belief as to the truth of the other allegations in paragraph 30 of the complaint.

31. Admits that Mr. Rinaldi is a defendant listed in Exhibit A to the complaint, but denies knowledge or information sufficient to form a belief as to the truth of the other allegations in paragraph 31 of the complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 32 of the Complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 33 of the Complaint.

34. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 34 of the Complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 35 of the Complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 36 of the Complaint.

37. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 37 of the Complaint.

38. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 38 of the Complaint.

39. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 39 of the Complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 40 of the Complaint.

41. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 41 of the Complaint.

42. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 42 of the Complaint.

43. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 43 of the Complaint.

44. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 44 of the Complaint.

45. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 45 of the Complaint.

46. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 46 of the Complaint.

47. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 47 of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 48 of the Complaint.

49. Denies the allegations of paragraph 49 of the complaint.

50. Denies the allegations of paragraph 50 of the complaint.

51. Defendant repeats, reiterates and realleges with the same force and effect as if fully set forth herein at length, each and every response to paragraphs 1 through 50 of the Complaint.

52. Denies the allegations of paragraph 52 of the complaint.

53. Denies the allegations of paragraph 53 of the complaint.

54. Denies the allegations of paragraph 54 of the complaint.

55. Denies the allegations of paragraph 55 of the complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of paragraph 56 of the Complaint.

57. Denies the allegations of paragraph 57 of the complaint.

58. Denies the allegations of paragraph 58 of the complaint.

59. Denies the allegations of paragraph 59 of the complaint.

60. Denies the allegations of paragraph 60 of the complaint.

61. Denies the allegations of paragraph 61 of the complaint.

62. Denies the allegations of paragraph 62 of the complaint.

63. Defendant repeats, reiterates and realleges with the same force and effect as if fully set forth herein at length, each and every response to paragraphs 1 through 62 of the Complaint.
64. Denies the allegations of paragraph 64 of the complaint.
65. Denies the allegations of paragraph 65 of the complaint.
66. Defendant repeats, reiterates and realleges with the same force and effect as if fully set forth herein at length, each and every response to paragraphs 1 through 65 of the Complaint.
67. Denies the allegations of paragraph 67 of the complaint.
68. Denies the allegations of paragraph 68 of the complaint.
69. Denies each and every allegation in the Complaint not otherwise herein specifically admitted or denied.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO THE COMPLAINT

1. Plaintiffs have failed to state a claim upon which relief may be granted and its dismissal pursuant to F.R.C.P. 12(b)(6).

AS AND FOR A SECOND AFFIRMATIVE DEFENSE TO THE COMPLAINT

2. Defendants have defense based upon documentary evidence.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE TO THE COMPLAINT

3. Plaintiffs' claims are barred by the Doctrines of Waiver, Estoppel, Unclean Hands and/or Laches.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE TO THE COMPLAINT

4. The relief sought by the Plaintiffs in the Complaint is barred by the applicable Statute of Limitations.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE TO THE COMPLAINT

5. Debtors were not insolvent at the time of the transfer, nor made insolvent by the transfer at issue.

WHEREFORE, Defendants respectfully request:

- (a) Dismissal of the Complaint in its entirety;
- (b) An award of costs in defending against this action; and
- (c) Other equitable and legal relief as determined by this Court.

**MAYNARD, O'CONNOR, SMITH
& CATALINOTTO, LLP**

Date: April 3, 2019

By: /s/ Justin W. Gray, Esq.
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